IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 6723 of 2007(A)

PETITIONERS:
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1. **MANNADI SNDP SAKHA YOGAM NO.169, MANNADI, ADOOR TALUK REPRESENTED BY ITS SECRETARY C. PRAKASH.**

2. **SAKTHI BHADRAN PANDARATHIL VAKKAVANJIPUZHA MADOM, MANNADI ADOOR TALUK, PATHANAMTHITTA DISTRICT.**

3. **E. LAKSHMIDASAN PANDARATHIL VAKKAVANJIPUZHA MADOM, MANNADI, ADOOR TALUK, PATHANAMTHITTA DISTRICT.**

4. **E. PARAMESWARAN PANDARATHIL, VAKKAVANJIPLUZHA MADOM, MANNADI ADOOR TALUK, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.D.KISHORE
SMT.MEERA GOPINATH

RESPONDENTS:
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1. **THE SUB DIVISIONAL MAGISTRATE ADOOR, PATHANAMTHITTA DISTRICT.**

2. **THE CIRCLE INSPECTOR OF POLICE, ADOOR, PATHANAMTHITTA DISTRICT.**

3. **THE SUB INSPECTOR OF POLICE, ADOOR POLICE STATION.**

4. MANNADI MUDIPURA DEVI KSHETRA SAMRAKSHNA SAMITHI, P.205/2005 REPRESENTED BY ITS SECRETARY G. MADHU, PANJAYOGAM HOUSE, MANNADIYIL, KALEYIKKU PLADINJARAU-KIZHAKKU MUDI KADAMPANADU VILLAGE, ADOOR, PATHANAMTHITTA DIST.

5. SURENDRAN UNNITHAN, S/O.NARAYANA KURUP, VELLAYIL PRASANTH BHAVAN, MANNADI P.O., ADOOR.

BY ADV. SRI.M.NARENDRA KUMAR FOR R4
SRI.R.T.PRADEEP FOR R5
SRI.V.VIJULAL
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE RELEVANT EXTRACT OF THE PARTITION DEED NO.151 DATED 20.2.1990.

EXT.P2: COPY OF THE SETTLEMENT DEED DATED 11.7.2005.

EXT.P3: COPY OF THE JUDGMENT DATED 27.2.2002 IN O.P.5843/02 OF THIS HON'BLE COURT.

EXT.P4: COPY OF THE ORDER DATED 28.1.2006 IN I.A.1295/05 IN O.S.192/05 OF SUB COURT, PATHANAMTHITTA.

EXT.P5: COPY OF THE JUDGMENT DATED 24.2.2006 IN W.P.(C).4809/06 OF THIS HON'BLE COURT.

EXT.P6: COPY OF THE PROCEEDINGS DATED 27.2.2006 OF THE 1ST RESPONDENT.

EXT.P7: COPY OF THE PROCEEDINGS DATED 20.10.2006 OF THE 2ND RESPONDENT.

EXT.P8: COPY OF THE JUDGMENT DATED 25.1.2007 IN W.P.(C).30790/06 OF THE HON'BLE COURT.

EXT.P9: COPY OF THE COMPLAINT DATED 27.1.2007 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P10: COPY OF THE PROCEEDINGS NO.B2.921/06 DATED 14.2.2007 OF THE 1ST RESPONDENT.

EXT.P11: COPY OF THE COMPLAINT DATED 26.2.2007 SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT.

RESPONDENTS EXHIBITS:

EXT.R4(A): COPY OF THE DEED NO.1012 OF 1113 DATED 21.7.2005, SRO KOLLAM.

EXT.R4(B): COPY OF THE NOTICE PUBLISHED ON 26.2.1969 BY THE THEN FESTIVAL COMMITTEE.

EXT.R4(C): COPY OF THE NOTICE PUBLISHED BY THE FESTIVAL COMMITTEE ON 17.2.1999.

W.P.(C).6723/2007

EXT.R4(D): COPY OF THE PHOTOGRAPH OF THE THALIYOLA READ BY VALIYAVEETIL PILLA.

EXT.R4(E): COPY OF THE NOTICE PUBLISHED BY THE 4TH RESPONDENT.

EXT.R4(F): COPY OF THE RECEIPT ISSUED BY THE VILLAGE OFFICER DATED 28.2.2006.

EXT.R4(G): COPY OF THE RECEIPT ISSUED BY THE PRESIDENT OF THE 4TH RESPONDENT SAMITHY DATED 21.2.2007.

EXT.R4(H): COPY OF THE MAHAZAR DATED 21.2.2007 PREPARED BY THE VILLAGE OFFICER, KADAPANAD.

EXT.R4(I): COPY OF THE RECEIPT DATED 21.2.2007 ISSUED BY THE 4TH RESPONDENT TO VILLAGE OFFICER, KADAPANAD.

EXT.R5(A): COPY OF THE NORDER DATED 21.2.2006 IN I.A.NO.1295/05 IN O.S.NO.192/05.

EXT.R5(B): COPY OF RECEIPT DATED 27.2.2006 AND 28.2.2006.

EXT.R5(C): COPY OF THE MAHAZAR DATED 21.2.2007.

EXT.R5(D): COPY OF RECEIPT DATED 21.2.2007.

EXT.R5(E): COPY OF RECEIPT DATED 21.2.2007.

EXT.R5(F): COPY OF NOTICE.

/TRUE COPY/

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No. 6723 of 2007 A

Dated this the 2nd day of March, 2007

Judgment

This writ petition is filed for conducting festival in a peaceful manner. Civil suits are pending and any opinion regarding the merits of the matter will prejudice the civil dispute. It is submitted that since there is law and order problem also, the matter was considered by the R.D.O. Therefore, this year's festival is directed to be conducted as per the directions of the RDO and police should see that law and order is maintained. The applicable orders of courts including that of this court and other materials supported by both parties should also be considered by the R.D.O.

The writ petition is disposed of accordingly.

Issue copy today itself.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No.6723/2007 A

Judgment

Dated:2nd March, 2007